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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,511	12/12/2003	Wayne H. Rothschild	247079-000237USPT	5842
70243 7590 07/31/2009 NIXON PEABODY LLP 300 S. Riverside Plaza 16th Floor CHICAGO, IL 60606				
EXAMINER D AGOSTINO, PAUL ANTHONY				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,511

Applicant(s)

ROTHSCHILD ET AL.

Examiner

Paul A. D'Agostino

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This responds to Applicant's Arguments/Remarks filed 02/09/2009. Claims 1, 11, and 21 have been amended. Claims 1-31 are now pending in this application.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/09/2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-6, 8-11, 12, 16-17, 21-25, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0130033 A1 to Loose (Loose) in view of U.S. Patent No. 6,217,448 to Olsen (Olsen).

In Reference to Claims 1, 11, 12, 21-23, 29 and 30

Loose discloses a method and gaming machine ("method and gaming machine" [0001]) for delivering a bonus event ("one or more basic game outcomes may trigger a bonus feature" [0011]; method and system of Loose are capable of performing this intended use and steps/acts) to a {plurality of} gaming machine (Fig. 1 bank of "gaming machines" 10 [0010]) selected from a plurality of gaming machines (Fig. 1), comprising:

accepting wagers at first and second gaming machines in a gaming environment ("Each gaming machine..., in response to a wager..." [0010] and "gaming establishments" [0003]);

a program routine [0015] for controlling the mode of operation of the plurality of lamps, the program routine executed by the CPU of the gaming machine [0015] where the CPU is capable of sequentially displaying the visual bonus indicator on all machines or selected machines;

communicating with said first gaming machine to initiate display of a visual bonus indicator ("bonus specific images" [0011]) on a first display (Fig. 1 "video display" 12 [0011]) of said first gaming machine ("If the selected outcome corresponds to a winning outcome, the player is awarded a payout ..." [0010], "One or more basic game outcomes may trigger a bonus feature. The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display." [0011], and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]);

communicating with said second gaming machine to initiate display of said visual

bonus indicator ("bonus specific images" [0011]) on a second display (Fig. 1 "video display" 12 [0011]) of said second gaming machine (Loose discloses gaming machines communicating "without requiring the machines to be physically linked to a controller device or to each other." [0003]. This is accomplished by sensors 22 and 24, emitters 26 and 28 [0004] and the CPU [0019] and as shown in Fig. 2. When a basic game triggers a bonus feature in the second gaming machine, Loose discloses in Fig. 3, that there is communication to the second gaming machine not to enter its bonus mode (step 48) until after the "dominant" {here, first} gaming machine in the bank is still operating [0020]; and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]);

animating in a bonus animation said visual bonus indicator on said second gaming machine display of said second gaming machine ("the display indicia to be synchronized among the bank of gaming machines may include video elements, such as a video image of a moving object. The video elements may be presented on a video display used in the top box display 16 or on the main video display 12." [0021]); and

awarding a bonus award to a player of said second gaming machine ("the bonus feature may depict one or more animated events" [0011]) while said bonus animation is being animated on said second gaming machine display ("and award bonus amounts based on an outcome of the animated events" [0011]).

However, Loose is silent on said displaying indicating to a player that a probability exists of a bonus award being awarded on said first gaming machine; displaying at least a portion of said visual bonus indicator on said second display of said

second gaming machine, said displaying indicating to a player that a probability exists of a bonus award being awarded on said second gaming machine; terminating said display of said visual bonus indicator on said first display during the bonus event without awarding a bonus award to said player of said first gaming machine, said termination indicating to said player that there is no longer a probability of the bonus award being awarded on said first gaming machine, and displaying said visual bonus indicator in its entirety on said second display of said second gaming machine.

Olsen teaches of displaying, on the display of each game machine, "hands" (Fig. 2a-2d), indicating to a player a bonus mode eligibility (Fig. 2c) and upon random selection wherein the hands catch a potato, bonus mode award probability is indicated and displayed (Fig. 2d). It is a bonus mode award probability because in order to receive a payout (potato indicating a "2x" multiplier payout award) the underlying game must be won during the bonus mode time period. If the underlying game is not won, a loser celebration terminating display event occurs and there is no probability of winning a bonus award multiplier. If the underlying game is won during the bonus mode time period a winners celebration terminating display event occurs and the bonus award multiplier is applied to the underlying game winnings and credited to the player. This process is depicted as Figs. 11, 12(a) and 12(b), see also, Col. 18 "game Play Operation"; Col. 19 Lines 7-65 wherein "In Bonus Mode" has subheadings of "Catching a Potato"; Losing a Potato" entailing a "loser sequence" and "Winning with a Potato" entailing a winner sequence. Examiner points out that a) losing is a termination displayed as the potato flying out of the hands; b) winning is a termination displayed as

the potato getting hotter and hotter in the hands as the prize is paid out; c) the potato flying out indicates that there is no longer a probability of the bonus award being awarded (because the player lost the underlying game); d) the potato remaining in the hands indicates that there is a remaining probability for the player on the second machine until that player's underlying game is resolved; e) both losing and winning terminating displays occur during the bonus round wherein the transition sequence occurs dependent on a fixed number of bonus number opportunities offered within the bonus mode time period which depends on individual game outcomes Col. 20 Lines 7-15, thus, the displays occur during the bonus event as claimed by Applicant. Olsen provides this system and method in order to add to the excitement of play when machines are linked together for a common award (Col. 1 Lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the displays and indicating as taught by Olsen into the teachings of Loose in order to add to the excitement of play when machines are linked together for a common award.

In Reference to Claims 2, 4-6, 8-10, 17, and 24

Loose as modified by Olsen discloses in Fig. 1 a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention [0010]. The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display 12. If the bonus feature is played on the video display 12, the bonus feature may utilize the

display images of the basic game or may replace the basic game images with bonus-specific images. Also, the bonus feature may depict one or more animated events and award bonus amounts based on an outcome of the animated events [0011]. As best shown in Fig. 2, to allow the plurality of lamps 20 on one gaming machine 10 to flash in synchronization with the lamps on adjacent gaming machines, the top box display 16 further includes a left sensor 22, a right sensor 24, a left emitter 26, and right emitter 28. The signals emitted from the respective emitters 26 and 28 are preferably pulses of a predetermined duration so that the sensors 22 and 24 are immune to ambient signals such as light [0014]. Fig. 3 describes an order in which the bonus occurs in a bank of gaming machines [0020]. Instead of or in addition to using the marquee 18 and the flashing lamps 20 in the top box display 16, the top box display 16 may employ a dot matrix, CRT, LED, LCD, electro-luminescent, or other type of video display known in the art. Also, the display indicia to be synchronized among the bank of gaming machines may include video elements, such a video image of a moving object. The video elements may be presented on a video display used in the top box display 16 or on the main video display 12 [0021].

In Reference to Claims 16 and 25

Loose, as modified by Olsen, discloses (Fig. 1) three gaming machines located proximate to each other and talks about a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention [0010].

In Reference to Claims 18 and 19

Loose, as modified by Olsen, discloses a method and gaming machine for generating display in synchronization with an adjacent gaming machine. The display indicia that is shown on the display of the machine may vary depending upon whether it is generated in response to the first signal or in response to the game-related event. The second signal may be detected by yet another adjacent gaming machine which, in turn, generates the display indicia on its display. (See page 1, paragraph 0004) If the bonus mode is selected out of the four different modes, it can be played on the video display 12. The bonus feature may utilize the display images of the basic game (e.g., slot reels in a slot game) or may replace the basic game images with bonus-specific images. (See page 1, paragraph 0011).

In Reference to Claims 26-28

Loose, as modified by Olsen, discloses a system substantially equivalent to Applicant's claimed invention. Loose is silent on an audio output device adapted to emit an audio bonus indicator substantially contemporaneously {as a replacement, superimposes} the standard audio performances.

Olsen discloses an audio device ("loud speaker" 60 (Col. 8 Line 54) wherein it is disclosed in Figs. 12(a) and 12(b) "Display attract graphics" 1222; "Display eligible graphics" 1234; "Display win celebration" 1272; and "Display loss celebration" 1282 in conjunction with unfreezing the game (1264, and 1274). These graphics (and timed audio portions execute before during and after normal game play ("The loudspeaker 60

will play sounds of a character catching hot potatoes while moaning and groaning! In this mode, eligible gaming machines E are selected for bonus jackpots with a high degree of fanfare called the "hot potato exchange." Without warning, the tower lamps L stop at randomly selected eligible machines S. These selected gaming machines S now hold a hot potato (i.e., representing bonus opportunity BO to obtain a jackpot bonus based upon a bonus multiple BM and the game payout, if one is won) and the respective players know this since their tower lamp L is lit steady 50 and their local displays D have hands 20c holding a sweating potato character C. The fanfare motion is an attract feature only. A light freezes ON when selected by a random function. Alternatively, the fanfare motion only exists during Bonus Mode transitions. Col. 8 Lines 48-67 and Col. 9 Lines 1-2). For brevity, see rejection of Claim 21 for motivation to combine the references.

4. Claims 3 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose in view of Olsen further in view of U.S. Patent No. 6,648,757 to Slomiany et al. (Slomiany).

Loose, as modified by Olsen, discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches of a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention and further wherein the bonus feature that is displayed on the video display 12 may utilize the display images of the basic game or may replace the basic game images with bonus-specific images (See page 1, paragraphs 0010 and 0011).

However, Loose as modified by Olsen does not teach all the types of bonus awards or of an award based on one or more player characteristics of players of said gaming machines.

Slomiany teaches a bonus game that includes a plurality of selection elements, a number of which are associated with an award of coin(s) or credit(s) and a number of which are associated with an end-bonus penalty and of a bonus game that is a quantity-based in which the player is credited an amount of coin(s) or credit(s) based on the number of successful trials of the bonus game in order to provide new types of bonus games to satisfy the demands of players and operators (Col. 2 Lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the bonus game as taught by Slomiany into the teachings of Loose as modified by Olsen in order to provide new types of bonus games to satisfy the demands of players and operators.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loose in view of Olsen further in view of U.S. Patent No. 5,876,284 to Acres et al. (Acres).

Loose, as modified by Olsen, discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. (See page 1, paragraph 0010). However, Loose as modified by Olsen does not teach a bank of gaming machines communicating with a central gaming machine management system.

Acres teaches that each gaming device includes a data communication node which allows the gaming device to communicate with a floor controller over a current loop network. Also, networked gaming devices are known in the art. Interconnecting a plurality of gaming devices such as slot machines via a computer network to a central computer provides many advantages. Some advantages of a network for operating networked gaming devices include the ability to extract accounting data from the individual gaming devices, to track players and to operate bonus promotions and progressive jackpots (Col. 1, Lines 14-23) in order to provide a system that integrates player tracking, data collection, and bonusing over the same network (Col. 2 Lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the network as taught by Acres into the teachings of Loose as modified by Olsen in order to provide a system that integrates player tracking, data collection, and bonusing over the same network.

6. Claims 13-15 and 20 are rejected under 35 U.S.C. as being unpatentable over Loose in view of Olsen further in view of U.S. Patent No. 7,008,324 to Johnson et al. (Johnson) and U.S. Patent Pub. No. 2003/0186739 to Paulsen et al. (Paulsen).

Loose, as modified by Olsen, discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. The bonus feature that is displayed on the video display 12 may

utilize the display images of the basic game or may replace the basic game images with bonus-specific images [0010, 0011]. However, Loose as modified by Olsen does not teach of all types of bonus awards.

Johnson teaches where a first bonus has a value less than a second bonus award (Fig. 4B). Further, one skilled in the art would reasonably understand that not all machines are to be actively played especially when the animation is operating in the attract mode (Col. 5 Lines 17-26) to attract players.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the bonus as taught by Johnson into the teachings of Loose as modified by Olsen in order to attract players.

Paulsen teaches a cashless technology in which bonus awards are issued to players wherein the bonus awards themselves are cash, service, merchandise, etc and are issued in the form of a cashless instrument representing the award [0008]; It is known in art that the bonus award depends on the amount of credits in order to provide an award ticket system which allows award ticket vouchers to be dispensed and utilized by other gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process [0004].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the award system as taught by Paulsen into the teachings of Loose as modified by Olsen and Johnson in order to provide an award ticket system which allows award ticket vouchers to be dispensed and utilized by other

gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process.

Response to Arguments

7. Applicant's arguments filed 02/09/2009 have been fully considered but they are not persuasive. Applicant argues (see Applicant's Arguments/Remarks pages 10) that Loose in view of Olsen fails to render obvious the claims as amended. Particularly, that a probability exists on a first gaming machine during a bonus event until a termination event occurs and then the probability of a award is also terminated as likewise. Examiner respectfully disagrees and has provided a response to this argument as part of the rejections of the claims above. Applicant states that during a bonus mode has been added to the claims. Examiner concurs and upon a close reading of Olsen has found support for rejection of this new limitation. Applicant argues that terminating the display of Olsen's hands during the bonus mode renders the invention of Olsen unsatisfactory for its intended purpose. Examiner has provided an amplified explanation of Olsen in the rejection of the claims which moots this prior reasoning and line of argument. Applicant argues Olsen fails to indicate a probability. Examiner respectfully disagrees and has clarified in the rejection of claims the differences between the indication of hands holding a potato from hands which are not relative to the probability of an award being awarded. Thus, the rejection of Claims 1-31 is maintained.

Conclusion

8. This is a continuation of applicant's earlier Application No. 10/735511. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

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